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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,471	07/07/2003	Cedric Gegout	S828.312-0016	7608
164 7590 07/07/2009 KINNEY & LANGE, P.A. THE KINNEY & LANGE BUILDING 312 SOUTH THIRD STREET MINNEAPOLIS, MN 55415-1002				
EXAMINER DUNN, MISHAWN				
ART UNIT 2621		PAPER NUMBER		
MAIL DATE 07/07/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/614,471

Applicant(s)

GEGOUT ET AL.

Examiner

MISHAWN DUNN

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☐ Claim(s) 1, 3 and 7-15 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 3-15 have been considered but are moot in view of the new ground(s) of rejection. The amendment to independent claims 1, 11, and 15 do not recite the same subject matter that was previously deemed allowable by the examiner.
2. Kelly et al. discloses decoding with respect to a composition time stamp, if the composition context associated with the encoded entity is identical to a current composition context when describing the use of a decoding time stamp (para. 0067).
3. The previous objection of the abstract has been withdrawn based on the correction to the abstract.
4. The previous rejection of claim 16 under 35 U.S.C. 101 has been withdrawn based on the amended claim.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 recites the limitation "said data flow" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 3, 7, 8, and 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Kelly et al. (US Pub. No. 2006/0093315).

9. Consider claim 1. Kelly et al. teaches a method to reproduce, on at least one client terminal, at least one data flow comprising a plurality of encoded entities, each associated with at least one composition time stamp, said method comprising steps comprising of: decoding said encoded entities, so as to obtain a plurality of decoded entities; composing said decoded entities, at the times defined by said composition time stamps, wherein, for at least one of said encoded entities, said decoding step is anticipated with respect to said composition time stamp, if a composition context associated with said encoded entity is identical to a current composition context (para. 0067, DTS).

10. Consider claim 3. Kelly et al. teaches a reproduction method according to claim 1, characterised in that said entities decoded by anticipation are stored in memory by said client terminal until said composition step (para. 0067).

11. Consider claim 7. Kelly et al. teaches a reproduction method according to claim 1, characterised in that a decoding order data item is also associated with at least some of said encoded entities (para. 0069).
12. Consider claim 8. Kelly et al. teaches a reproduction method according to claim 7, characterised in that said decoding order data item is a decoding time stamp (para. 0067).
13. Consider claim 10. Kelly et al. teaches a reproduction method according to claim 1, characterised in that the format of said encoded entities belongs to the group consisting of: MPEG media formats; MPEG-7 data description formats; BIFS scene description formats; and H26L formats (paras. 0041 and 0139)
14. Consider claim 12. Kelly et al. teaches a reproduction device according to claim 11, characterised in that it also comprises: a decoding buffer memory, wherein said encoded entities are stored in increasing order of decoding; a composition buffer memory, wherein said decoded entities are stored in memory(para. 0068, fig. 1).
15. Consider claim 13. Kelly et al. teaches a device according to claim 12, characterised in that said decoded entities are stored in memory in said composition buffer memory in increasing composition time stamp order (para. 0068).
16. Consider claim 14. Kelly et al. teaches a device according to claim 12, characterised in that said decoded entities are stored in memory in said composition buffer memory in increasing order of decoding (para. 0067).
17. Claims 11 and 15 are rejected using similar reasoning as the corresponding claims above.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al. (US Pub. No. 2006/0093315) in view of Official Notice.

20. Consider claim 9. Kelly et al. teaches all claimed limitations, including reproduction method according to claim 1, characterised in that said data flow belongs to the group consisting of: video flows and metadata description flows.

Kelly et al. does not teach description flows of a graphic scene with at least two dimensions audio flows; description flows of an object with at least two dimensions; or animation flows of at least one object.

However, the examiner takes official notice that it is well known in the art to include data that describes two dimensional and animation objects.

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to include description flows of a graphic scene with at least two dimensions audio flows; description flows of an object with at least two dimensions; or animation flows of at least one object, in order to efficiently decode the plurality of objects.

Allowable Subject Matter

21. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
22. Claim 16 is allowed.
23. The following is a statement of reasons for the indication of allowable subject matter: The present invention is directed towards a method to reproduce, on at least one client terminal, at least one data flow comprising a plurality of encoded entities, each associated with at least one composition time stamp. Independent claim 16 identifies the uniquely distinct features, " an isdecoed marker, specifying whether said entity was decoded in an anticipated manner; and, when said isdecoed marker takes a first value, said entity is in encoded form and, when said isdecoed marker takes a second value, said entity is in decoded form and also comprises: data items, referred to as presStruct, relating to a reproduction structure of said entity; data items, referred to as decodinfo, relating to the decoding of said entity." The closest prior art does not anticipate or render the above obvious.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is (571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/
Examiner, Art Unit 2621
June 30, 2009

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621